# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200 McLean, Virginia 22102 703 584 8678 • 703 584 8696 Fax

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ\*
ELIZABETH R. SACHS\*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ\*
TODD B. LANTOR\*
STEVEN M. CHERNOFF\*
KATHERINE PATSAS NEVITT\*

ALI KUZEHKANANI
LEILA REZANAVAZ

OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY\*
JOHN CIMKO\*
J. K. HAGE III\*
JOHN J. MCAVOY\*
HON. GERALD S. MCGOWAN\*

CONSULTING ENGINEERS

\*NOT ADMITTED IN VA

Writer's Direct Dial (703) 584-8665 pgist@fcclaw.com

February 9, 2010

Marlene H. Dortch, Office of the Secretary Federal Communications Commission 445 12<sup>th</sup> Street, SW Suite TW-A325 Washington, D.C. 20554

Re: EB Docket No. 06-36

Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2009

East Kentucky Network, LLC d/b/a Appalachian Wireless

Dear Ms. Dortch:

On behalf of East Kentucky Network, LLC d/b/a Appalachian Wireless, and pursuant to Section 64.2009(e) of FCC rules, submitted herewith is the carrier's CPNI certification for calendar year 2009 with accompanying statement.

Should any questions arise regarding this submission, please contact the undersigned.

Very truly yours,

Pamela L. Gist

Enclosure

cc: Best Copy and Printing, Inc.

## Annual 47 C.F.R. § 64.2009(e) CPNI Certification

#### EB Docket No. 06-36

Annual 64.2009(e) CPNI Certification Covering 2009

Date filed:

February 9, 2010

Name of company covered by this certification:

East Kentucky Network, LLC d/b/a Appalachian Wireless 101 Technology Trail

Ivel, Kentucky 41642

Form 499 Filer ID:

802104

Name of signing officer:

Gerald F. Robinette

Title of signatory:

Chief Executive Officer

### CERTIFICATION

I, Gerald F. Robinette, hereby certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Customer Proprietary Network Information rules set forth in 47 C.F.R. §§ 64.2001 et seq. of the rules of the Federal Communications Commission.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements, including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review set forth in section 64.2001 et seq. of the Commission's rules.

The company has not taken actions, i.e. proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission, against data brokers in the past year.

The company has received one customer complaint in the past year concerning the unauthorized release of CPNI by an employee to an individual not authorized to receive the information.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Name: Gerald F. Robinette
Title: Chief Executive Officer

Date: February 8, 2010

Attachments: Accompanying Statement Explaining CPNI Procedures

Summary of Customer Complaints

#### STATEMENT

Carrier has established operating procedures that ensure compliance with the Federal Communication Commission ("Commission") regulations regarding the protection of customer proprietary network information ("CPNI").

- Carrier continually educates and trains its employees regarding the appropriate use of CPNI. Carrier has established disciplinary procedures should an employee violate the CPNI procedures established by Carrier.
- Carrier has implemented a system whereby the status of a customer's CPNI approval can be determined prior to the use of CPNI.
- Carrier does not use its customer's CPNI in its or its affiliates' sales and marketing campaigns. Carrier does not conduct outbound marketing to its customers. Carrier does not provide an opt-in election to its customers; controls are established to automatically designate all customers as selecting an opt-out election.
- Carrier has implemented procedures to properly authenticate customers prior to disclosing CPNI over the telephone and at Carrier's retail locations, electronically or otherwise. In connection with these procedures, Carrier has established a system of passwords, personal identification numbers (PINs) and back-up authentication methods for all customer and accounts, in compliance with the requirements of applicable Commission rules.
- Carrier has found that pretexters are continuing their attempts to access CPNI through
  phone calls and customer impersonation. Carrier's use of a password/pin-code to
  properly authenticate customers, plus additional verification procedures, protects CPNI.
- Carrier has established procedures to ensure that customers will be immediately notified
  of account changes including changes to passwords or address of record, and a back-up
  means of authentication for lost or forgotten passwords.
- Carrier has established procedures to notify law enforcement and customer(s) of unauthorized disclosure of CPNI in accordance with FCC timelines.
- Carrier took no actions against data brokers in 2009, including proceedings instituted or petitions filed by Carrier at a state commission, in the court system, or at the Federal Communications Commission.

- The following is a summary of all customer complaints received in 2009 regarding the unauthorized release of CPNI:
  - Number of customer complaints Carrier received in 2009 related to unauthorized access to CPNI, or unauthorized disclosure of CPNI: \_\_1\_\_\_.
  - Category of complaint:

1	_ Number	of instances	of improper	disclosure	to	individuals
t authorize	d to receiv	e the informa	tion;			

Number of instances of improper access by employees:

\_\_\_\_\_0\_\_Number of instances of improper access to online information by individuals not authorized to view the information;

\_\_\_\_\_\_ Number of other instances of improper access or disclosure.

Summary of customer complaints received in 2009 concerning the unauthorized release of CPNI:

The account holder's wife requested a Call Detail Report from an employee at one of our Retail locations. The wife was not authorized to access the account but showed the husband's driver's license (as required by the account memo) to the employee and gave the appropriate password so the employee initiated a request for a Call Detail Report. The Report was mailed to the home address on record but the wife intercepted the Report. The account holder (husband) became aware that the wife had accessed his account and read the Call Detail Report. Customer requested that his account be closed and the employee was dismissed for the CPNI violation.